

# EXHIBIT 2

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8  
9 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 VERIGY US, INC, a Delaware  
12 Corporation

13 Plaintiff,

14 vs.

15 ROMI OMAR MAYDER, an individual,  
WESLEY MAYDER, an individual,  
16 SILICON TEST SYSTEMS, INC. a  
California Corporation, SILICON TEST  
17 SOLUTIONS, LLC, a California Limited  
Liability Corporation, inclusive,

18 Defendants.  
19

Civil Case No.: 1c07-04330 RMW (HRL)

**Mount & Stoelker's Response to Plaintiff's  
Subpoena Duces Tecum**

Date: N/A

Time: N/A

Dept.: Hon. Judge Whyte

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**MOUNT & STOELKER'S RESPONSES & OBJECTIONS TO PLATINTIFF'S**  
**SUBPOENA DUCES TECUM**

**Propounding Party: Verigy US, Inc. ("Verigy")**  
**Responding Party: Mount & Stoelker, P.C. ("M&S")**

M&S hereby respond to Plaintiff's Subpoena in a Civil Case under the Federal Rules of Civil Procedure, and the Local Rules as follows. M&S asserts objections and rights in these responses. Each objection and right is individually consented-to by Plaintiff unless Plaintiff promptly objects in writing.

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

The following preliminary statement and general objections apply to each request propounded by Plaintiff in this set. Each general objection set forth below is incorporated by reference into each response.

**IN GENERAL:**

These responses are signed by counsel only as to the objections set forth in the responses.

M&S has not completed its investigation or its analysis of facts, witnesses, documents, and other relevant matter. M&S reserves the right to supplement or amend these responses for all purposes. M&S reserves the right to use information and evidence not identified in these responses, whether or not subsequently discovered.

These responses are made without prejudice to M&S's right to supplement or amend these responses at an appropriate time if information or evidence previously available to M&S may have been omitted or excluded from these responses by oversight, inadvertence, mistake, or good faith error.

No incidental or implied admissions are made in these responses. The only intended responses to these requests are explicit and unambiguous.

M&S objects that each request contains discrete subparts and is compound.

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1 M&S objects to the requests to the extent they call for disclosure of matter subject to one  
2 or more privilege(s) and other rules and doctrines of like character, including but not limited to,  
3 the attorney-client privilege, the attorney work product doctrine, the trade-secret privilege, the  
4 litigation privilege, and the privileges established by California Civil Code § 47 (collectively,  
5 "Privileges"). Any inadvertent disclosure of such matter is not intended and will not constitute a  
6 waiver of the applicable Privilege.

7 M&S preserves and does not waive any objections to the admissibility of all evidence at all  
8 stages of litigation, including such objections as to the competency, relevancy, materiality, and  
9 probative value of the evidence.

10 M&S preserves and does not waive any objection to the use of any of these responses at  
11 any stage of litigation.

12 M&S preserves and does not waive the right to object to any demand for further or  
13 supplemental responses.

14 M&S objects that the requests are oppressive and impose undue burdens on M&S,  
15 including because they seek information that has already been provided.

16 M&S objects that the requests seek information not relevant to any asserted claim or  
17 defense and are not likely to lead to the discovery of admissible evidence.

18 M&S objects that the requests seek matter that is already known or equally available to  
19 Plaintiff. M&S will not provide matter that it knows or has reason to believe is available to  
20 Plaintiff from other sources or by other means.

21 M&S objects that the requests seek information that can be derived or ascertained from  
22 documents already in the possession, custody, or control of Plaintiff and that Plaintiff's burden of  
23 deriving or ascertaining the information is similar to that of M&S.

24 A partial answer to any request does not waive any objection to any request, including the  
25 portion of the request that is answered.

26 Nothing herein is an admission by M&S with respect to the admissibility or relevancy of  
27 any fact or document or of the truth or accuracy of any characterization contained in Plaintiff's  
28 discovery requests.

M&S objects to the Subpoena in its entirety, and to each individual Request therein, to the  
extent that the Requests seek documents contained in sources that are not reasonably accessible

1 because of undue burden or cost pursuant to Federal Rule of Civil Procedure 26(b)(2)(B). M&S  
2 hereby identifies these sources as: any information contained on M&S backup or archive media.

3 To the extent that specific objections are cited herein, those specific objections are  
4 provided out of an abundance of caution because they are believed to be particularly applicable to  
5 the request as to which they are stated. The assertion of a specific objection is not a waiver of  
6 these General Objections or any portion thereof.

7  
8 **DEFINITIONS:**

9 M&S object to Definition No. 2 to the extent that it seeks documents contained in sources  
10 that are not reasonably accessible because of undue burden or cost pursuant to Federal Rule of  
11 Civil Procedure 26(b)(2)(B). M&S hereby identifies these sources as: any information contained  
12 on M&S backup or archive media.

13 M&S objects to Definition No. 5 to the extent it purports to limit, or impose additional  
14 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the Local Civil Rules,  
15 or any other rights due M&S.

16 M&S objects to Definition No. 17 which defines "MOUNT & STOELKER", you", "your",  
17 to the extent they include persons or entities other than M&S. M&S responds to each request with  
18 respect to information in the possession, custody, or control of M&S only, as required under  
19 applicable law, and excludes information in the possession, custody, or control of all other persons  
20 or entities mentioned in the definition. M&S objects to the extent the definition includes M&S's  
21 attorneys.

22 **INSTRUCTIONS:**

23 M&S objects to Instruction No. 1 to the extent it purports to limit, or impose additional  
24 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
25 Civil Procedure, the Local Civil Rules, or any other rights due M&S.

26 M&S objects to Instruction No. 2 to the extent it purports to limit, or impose additional  
27 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
28 Civil Procedure, the Local Civil Rules, or any other rights due M&S.

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1 M&S objects to Instruction No. 3 to the extent it purports to limit, or impose additional  
2 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
3 Civil Procedure, Local Civil Rules, or any other rights due M&S.

4 M&S objects to Instruction No. 4 to the extent it purports to limit, or impose additional  
5 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
6 Civil Procedure, Local Civil Rules, or any other rights due M&S.

7 M&S objects to Instruction No. 5 to the extent it purports to limit, or impose additional  
8 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
9 Civil Procedure, Local Civil Rules, or any other rights due M&S.

10 M&S objects to Instruction No. 6 to the extent it purports to limit, or impose additional  
11 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
12 Civil Procedure, Local Civil Rules, or any other rights due M&S.

13 M&S objects to Instruction No. 7 to the extent it purports to limit, or impose additional  
14 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
15 Civil Procedure, Local Civil Rules, or any other rights due M&S.

16 M&S objects to Instruction No. 8 to the extent it purports to limit, or impose additional  
17 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
18 Civil Procedure, Local Civil Rules, or any other rights due M&S.

19 M&S objects to Instruction No. 9 to the extent it purports to limit, or impose additional  
20 requirements on, M&S's rights under the Federal Rules of Civil Procedure, the California Code of  
21 Civil Procedure, Local Civil Rules, or any other rights due M&S.

## 22 **M&S'S RESONSES TO SUBPOENA DUCES TECUM**

### 23 **Request No. 1**

24 All DOCUMENTS RELATING TO or supporting the statement by MOUNT &  
25 STOELKER to ROMI MAYDER that DEFENDANTS "could continue to act in the manner that  
26 resulted in the contempt filing," as described on page 17 of DEFENDANTS' Memorandum of  
27 Points and Authorities in Support of Motion for Summary Adjudication and for Modification of  
28 Preliminary Injunction, Docket No. 261 filed in THIS LAWSUIT (a copy of which is hereby

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1 attached for reference) including, but not limited to, COMMUNICATIONS between YOU and  
2 DEFENDANTS.

3 **Response No. 1.**

4 M&S incorporates by reference the Preliminary Statement and General Objections, as  
5 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
6 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
7 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
8 information subject to one or more Privileges, including but not limited to, the attorney-client  
9 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
10 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
11 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
12 which the Document is referenced. Subject to and without waiving any objections, including the  
13 General Objections, and subject to M&S's understanding of this request, M&S responds as  
14 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
15 believed that there are no documents that are not covered by an applicable privilege or objection.

16 **Request No. 2**

17 All DOCUMENTS RELATING TO or supporting the statement by YOU to ROMI  
18 MAYDER that MOUNT & STOELKER "could really not tell me what was in the various  
19 documents that comprise the Court's TRO," as described in the Declaration of Romi Mayder, filed  
20 July 10, 2008, Docket No. 261-2 in THIS LAWSUIT ("MAYDER DECLARATION") – a copy of  
21 which is hereby attached for reference), including, but not limited to, COMMUNICATIONS  
22 between YOU and DEFENDANTS.

23 **Response No. 2.**

24 M&S incorporates by reference the Preliminary Statement and General Objections, as  
25 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
26 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
27 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
28 information subject to one or more Privileges, including but not limited to, the attorney-client  
privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer

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1 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
2 which the Document is referenced. Subject to and without waiving any objections, including the  
3 General Objections, and subject to M&S's understanding of this request, M&S responds as  
4 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
5 believed that there are no documents that are not covered by an applicable privilege or objection.

6 **Request No. 3**

7 All DOCUMENTS RELATING TO the press release issued by DEFENDANTS  
8 referenced in paragraph 14 and Ex. 7 to the MAYDER DECLARATION, including, but not  
9 limited to, COMMUNICATIONS between YOU and DEFENDANTS.

10 **Response No. 3.**

11 M&S incorporates by reference the Preliminary Statement and General Objections, as  
12 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
13 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
14 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
15 information subject to one or more Privileges, including but not limited to, the attorney-client  
16 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
17 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
18 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
19 which the Document is referenced. Subject to and without waiving any objections, including the  
20 General Objections, and subject to M&S's understanding of this request, M&S responds as  
21 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
22 believed that there are no documents that are not covered by an applicable privilege or objection.

23 **Request No. 4**

24 All DOCUMENTS RELATING TO the proposed NDA with VERIGY referenced in  
25 paragraph 15 and Exs. 8 and 9 to the MAYDER DECLARATION, including, but not limited to,  
26 COMMUNICATIONS between YOU and DEFENDANTS.

27 **Response No. 4.**

28 M&S incorporates by reference the Preliminary Statement and General Objections, as  
though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably

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1 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 2 information subject to one or more Privileges, including but not limited to, the attorney-client  
 3 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 4 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 5 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 6 which the Document is referenced. Subject to and without waiving any objections, including the  
 7 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 8 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 9 believed that there are no documents that are not covered by an applicable privilege or objection.

10 **Request No. 5**

11 All DOCUMENTS RELATING TO or supporting the statement by YOU to ROMI  
 12 MAYDER that DEFENDANTS could "continue to develop Flash Enhancer," referenced in  
 13 paragraph 17 of the MAYDER DECLARATION, including, but not limited to,  
 14 COMMUNICATIONS between YOU and DEFENDANTS.

15 **Response No. 5.**

16 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 17 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 18 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 19 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 20 information subject to one or more Privileges, including but not limited to, the attorney-client  
 21 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 22 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 23 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 24 which the Document is referenced. Subject to and without waiving any objections, including the  
 25 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 26 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 27 believed that there are no documents that are not covered by an applicable privilege or objection.

28 **Request No. 6**

All DOCUMENTS RELATING TO or supporting the statement by YOU to ROMI  
 MAYDER that that [sic] "continuing work with Honeywell, Spansion, and Intel under the TRO

1 was proper because that was the status quo that the TRO was supposed to maintain," referenced in  
 2 paragraph 17 of the MAYDER DECLARATION, including but not limited to,  
 3 COMMUNICATIONS between YOU and DEFENDANTS.

4 **Response No. 6.**

5 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 6 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 7 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 8 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 9 information subject to one or more Privileges, including but not limited to, the attorney-client  
 10 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 11 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 12 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 13 which the Document is referenced. Subject to and without waiving any objections, including the  
 14 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 15 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 16 believed that there are no documents that are not covered by an applicable privilege or objection.

17 **Request No. 7**

18 All COMMUNICATIONS between YOU and DEFENDANTS relating to Dr. Blanchard,  
 19 referenced in paragraph 19 of the MAYDER DECLARATION.

20 **Response No. 7.**

21 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 22 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 23 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 24 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 25 information subject to one or more Privileges, including but not limited to, the attorney-client  
 26 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 27 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 28 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 which the Document is referenced. Subject to and without waiving any objections, including the  
 General Objections, and subject to M&S's understanding of this request, M&S responds as

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1 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 2 believed that there are no documents that are not covered by an applicable privilege or objection.

3 **Request No. 8**

4 All COMMUNICATIONS between YOU and DEFENDANTS relating to the Contempt  
 5 Motion, as referenced in paragraphs 19-24 of the MAYDER DECLARATION.

6 **Response No. 8.**

7 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 8 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 9 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 10 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 11 information subject to one or more Privileges, including but not limited to, the attorney-client  
 12 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 13 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 14 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 15 which the Document is referenced. Subject to and without waiving any objections, including the  
 16 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 17 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 18 believed that there are no documents that are not covered by an applicable privilege or objection.

19 **Request No. 9**

20 All COMMUNICATIONS between YOU and DEFENDANTS relating to the TRO, as  
 21 referenced in the MAYDER DECLARATION.

22 **Response No. 9.**

23 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 24 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 25 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 26 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 27 information subject to one or more Privileges, including but not limited to, the attorney-client  
 28 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 familiar with the litigation. As such, M&S may not fully understand the request or the context in

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1 which the Document is referenced. Subject to and without waiving any objections, including the  
 2 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 3 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 4 believed that there are no documents that are not covered by an applicable privilege or objection.

5 **Request No. 10**

6 All COMMUNICATIONS between YOU and DEFENDANTS relating to the Preliminary  
 7 Injunction motion and briefing, as referenced in the MAYDER DECLARATION.

8 **Response No. 10.**

9 M&S incorporates by reference the Preliminary Statement and General Objections, as  
 10 though fully set forth herein. M&S objects to Plaintiff's Instructions, as set forth above. M&S  
 11 objects that this request is overbroad, unduly burdensome, and oppressive and not reasonably  
 12 calculated to lead to discovery of admissible evidence. M&S objects that this request seeks  
 13 information subject to one or more Privileges, including but not limited to, the attorney-client  
 14 privilege, the trade secret privilege, the joint-defense or common-interest privilege, and the  
 15 attorney work-product doctrine. M&S withdrew as counsel for DEFENDANTS, and is no longer  
 16 familiar with the litigation. As such, M&S may not fully understand the request or the context in  
 17 which the Document is referenced. Subject to and without waiving any objections, including the  
 18 General Objections, and subject to M&S's understanding of this request, M&S responds as  
 19 follows: Due to the scope of the objections, M&S will not produce any documents because it is  
 20 believed that there are no documents that are not covered by an applicable privilege or objection.

21  
 22  
 23 Dated: August 20, 2008

MOUNT & STOELKER, P.C.

24  
 25 By: 

Daniel S. Mount, Esq

Kathryn G. Spelman, Esq

Daniel H. Fingerman, Esq.

Kevin M. Pasquinelli, Esq

Attorneys for non-Party Witness Mount &  
 Stoelker.

Case No. 5:07-CV-04330 (RMW) (HRL)

**PROOF OF SERVICE**

I am a citizen of the United States. My business address is RiverPark Tower, Suite 1650, 333 W. San Carlos, San Jose, CA 95110. I am employed in the County of Santa Clara where this service occurs. I am over the age of 18 years and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served the document(s) listed below as follows:

**Mount & Stoelker's Response to Plaintiff's Subpoena Duces Tecum**

John W. Fowler, Esq.  
 Daniel J. Bergeson, Esq.  
 Melinda Mae Morton, Esq.  
 Bergeson, LLP  
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 Fax: (408) 297-6000  
 E-mail: [jfowler@be-law.com](mailto:jfowler@be-law.com)  
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Attorney for Verigy US, Inc.

Jack Russo, Esq.  
 Russo & Hale, LLP  
 401 Florence Street  
 Palo Alto, CA 94301  
 Fax: (650) 327-3737  
 E-mail: [jrusso@computerlaw.com](mailto:jrusso@computerlaw.com)

Attorney for Romi Mayder, Wesley Mayder,  
 Silicon Test Systems, Inc., and Silicon Test  
 Solutions, LLC

☒ (BY MAIL) I caused such document(s), placed in sealed envelope(s) with postage thereon, fully prepaid, to be placed in the United States mail at San Jose, California.

☐ (BY ELECTRONIC MAIL) I caused such document(s) to be transmitted by electronic mail on this date to the email addresses listed above.

☐ (BY FAX) I caused such document(s) to be transmitted by facsimile on this date to the offices of the addressee(s).

☐ (BY FEDERAL EXPRESS) I caused such document(s), placed in sealed envelope(s) with postage thereon, fully prepaid, to be delivered to a Federal Express pickup at San Jose, California.

1 ☐ (BY PERSONAL SERVICE) I caused such document(s), placed in sealed envelope(s),  
2 picked up from our office by courier from Bergeson, LLP and delivered by hand this date to the  
3 offices of the addressee(s).

4 ☒ (State) I declare under penalty of perjury under the laws of the State of California that the  
5 above is true and correct.

6 I declare that I am employed in the office of a member of the bar of this court at whose  
7 direction the service was made. Executed on August 20, 2008.

8   
9 MICHELLE MCMANUS  
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